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R E M A R K S

Ten claims are pending in the application: Claims 1-10. Reconsideration of the pending claims is respectfully requested.

Information Disclosure Statement

1. The Examiner did not consider the reference entitled "Interactive Education: Transitioning CD-ROMs to the Web" originally submitted with the information disclosure statement filed on February 9, 2001. The reference was listed on the PTO-1449 form submitted with the information disclosure statement.

Applicants have provided a copy of the stamped return receipt postcard showing receipt of the information disclosure statement and all 57 of the references listed on the PTO-1449 form. Thus, the office appears to have lost the reference sometime after receipt thereof. Applicants have provided an additional copy of the reference and a copy of the appropriate page of the original PTO-1449 form such that the Examiner can fully consider the reference. No fee is believed due at this time as the reference was originally submitted in a timely manner.

Applicants request the Examiner fully consider the reference and return an initialed copy of the PTO-1449 form in the next office communication.

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Rejection under 35 U.S.C. 103(a)

2. Claims 1-6, and 8-10 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,505,169 (*Bhagavath et al.*) in view of U.S. Patent No. 6,080,207 (*Kroening et al.*).

Bhagavath et al. disclose a system for dynamically inserting advertisements into streaming video content. The advertisements are inserted into the streaming video based upon a realization of conditions preselected by the presenter of the streaming media content and by the source of the advertising/announcements (Col. 2, lines 1-2). The system uses XML files to characterize the video content and advertising content and to profile the recipients of the programming and to control the advertisement insertion into the streaming video content (Col. 2, lines 30-37).

Kroening et al. further disclose the creating of a disk image of a desired software configuration and transferring the image to a storage device.

In contrast, Applicants disclose a system that controls the display of video/audio content. Applicants provide a method and system in which both programmatic content and a representation of the video/audio content are generated, the latter representing, distilling, and defining the video/audio content (e.g., p. 6, lines 25 through 27; and p. 23, lines 27 through p. 24, line 8). The representation of the video/audio is generated and stored as part of the image. The representation of the video/audio content controls how the video/audio content is going to be displayed, for example, simultaneously with HTML content. The representation of the video/audio content may cause, for

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example, the video/audio content to be displayed along side HTML content in the same window or positioned in relation to HTML content within a window. In an alternative example, the representation of the video/audio content may cause the video/audio content to be displayed in one window while another window shows HTML content. The representation of the video/audio content therefore is not the actual video/audio content but is a definition of how the video/audio will be displayed. The representation of the video/audio content may be, for example, XML, JavaScript, HTML or the like.

As per the rejection of independent claims 1 and 8-10, the "representation of video/audio content" such as is claimed by Applicants, has been equated to the actual streaming media content and advertisement content disclosed by *Bhagavath et al.* As described above, Applicants independent claims include "a representation of video/audio content" which is a definition of how the video/audio content will be displayed and not the actual video/audio content itself.

Bhagavath et al. simply disclose a system for dynamically determining when to insert an ad into a video stream. The content, whether media content or advertising content is then sent to a computer and the streaming video is displayed. *Bhagavath et al.* does not teach a system for generation of "a representation of the video/audio content" such as is claimed by Applicants.

Therefore, the combination of *Bhagavath et al.* and *Kroening et al.* do not teach Applicants claimed invention and independent claims 1 and 8-10 are in condition for allowance.

Furthermore, dependent claims 2-6 are in condition for allowance at least because of their dependency upon

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allowable independent claim 1.

3. Claim 7 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,505,169 (*Bhagavath et al.*) in view of U.S. Patent No. 6,080,207 (*Kroening et al.*) and further in view of U.S. Patent No. 5,860,068 (*Cook*).

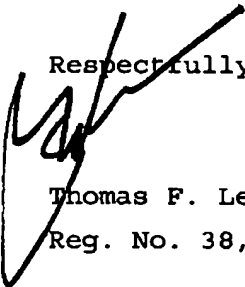
As described above, independent claim 1 is not disclosed by the combination of *Bhagavath et al.* and *Kroening et al.* Furthermore, *Cook* does not disclose, "the representation of video/audio content" such as is claimed by Applicants. Thus, for the same reasons as stated above the rejection is overcome and claim 7 is in condition for allowance.

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C O N C L U S I O N

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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